# PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD MONDAY, May 5, 2003

### 3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Bloomfield, Borys, Raser, Spraul-Schmidt, and Sullebarger present. Absent: Clement, Kreider, Senhauser, and Wallace

#### **MINUTES**

The minutes of the Monday, April 7, 2003 meeting were unanimously approved (motion by Sullebarger, second by Borys).

The minutes of the Monday, April 21, 2003 meeting were unanimously approved (motion by Borys, Second by Bloomfield).

## CERTIFICATE OF APPROPRIATENESS, 2708 JOHNSTONE PLACE, EAST WALNUT HILLS HISTORIC DISTRICT

Urban Conservator William Forwood presented the staff report on this request for a Certificate of Appropriateness for the demolition of an existing garage and the construction of a new garage at 2708 Johnstone Place, a contributing resource to the East Walnut Hills Historic District.

Mr. Forwood reminded the Board that it had approved a Certificate of Appropriateness for other work on the residence on April 7, 2003, but tabled the application to demolish the existing two-car garage and construct a three-car attached garage. This was to allow the applicant additional time to consider a redesign incorporating the Board's suggestion of a detached garage with an auto court between it and the house.

Applicant Randall Travis indicated by letter that he and the owners pursued the alternatives proposed by the Board, but concluded that they were not feasible. A number of issues were raised, including insufficient side yard clearance to allow the garage to be detached and still allow reasonably easy access to the garage.

The applicant submitted revised elevations and a revised site plan. It shows a reorientation of the driveway and an attached garage with a smaller footprint than what was previously proposed. The proposal is for a simple square two-car garage similar in form and detail to the present garage and a shortened link with a raised parapet.

Mr. Forwood stated that staff felt the garage was an acceptable alternative to it being detached, considering the reasons presented by the applicant. However, staff felt the garage is commercial in appearance and should better relate to the architectural form of the residence and maintain the appearance of a freestanding building.

Randall Travis was present to respond to questions from the Board. He stated the reason the clients did not pursue the detached garage is that it would require removing an existing magnolia and pine tree; a detached garage would allow only a 24' clearance between the house and garage. The proposed garage now has a flat roof; the gable and limestone were added to provide additional detail.

Ms. Borys suggested that the stepped nature of the two structures allows the house to maintain its presence, but thought the garage's gabled pediment should be removed. A horizontal parapet line for the garage and link would read more like a garden wall in relationship to the manor house. She liked the siting and noted there is still the idea of a motor court, which is suitable to the building and time. Mr. Travis confirmed that he was amenable to simplifying the structure. The contractor Tom Waltor expressed support for the revised design.

The Board pointed out that the pedimented parapet of the garage is not seen anywhere on the house. Ms. Sullebarger suggested that a flat roof is preferable to a hip since it would clash with the hip on the porte-cochere and would also help expose the side elevation of the house. Owner Cindy Dellinger interjected that the original garage design had a flat appearance that they did not like and asked to keep the pediment. Ms. Borys replied that the proposed configuration has a distinctly commercial connotation to it and that the center medallion is inconsistent with the vocabulary of the house. Additionally, the pediment as proposed conflicts with the roof pitches of the house and detracts from the front door, which should be the most important element. Ms. Borys added that in considering the approach to the site, the thinness of the parapet is apparent.

Mr. Raser suggested that a hip roof would also be acceptable. Ms. Sullebarger disagreed, stating that the hip roof would obscure the side elevation of the house. Ms. Borys added that it would not be her preference; however, the Urban Conservator should review any modification keeping in mind the Board's concerns that the new addition not obstruct the view of the house and that its mass not become overwhelming.

### **BOARD ACTION**

The Board voted unanimously (motion by Borys, second by Raser) to take the following actions:

- 1. Approve a Certificate of Appropriateness for the demolition of the existing attached garage finding that it does not contribute to the historic character of the neighborhood and historic district.
- Approve a Certificate of Appropriateness for the construction of an attached twocar garage as sited with the conditions that the garage be modified to eliminate the pitched gabled parapet (as shown in the April 14, 2003 drawing); this and any other modification will be subject to the review and approval of the Urban Conservator.

### <u>CERTIFICATE OF APPROPRIATENESS, 214 EAST 14™ STREET, OVER-THE-RHINE</u> (SOUTH) HISTORIC DISTRICT

Urban Conservator Forwood presented the staff report on this request for a Certificate of Appropriateness for the conversion/rehabilitation of a warehouse building into seven residential condominium units. The building is located at 214 East 14<sup>th</sup> Street and is a contributing resource to the Over-the-Rhine (South) Historic District.

Mr. Forwood explained that the form of the building remains, but the fenestration has been severely modified on all levels with inappropriate block infill and modified windows. The rehabilitation will restore the building closer to its original appearance. The first floor of the building will be used for parking. A storefront on

14<sup>th</sup> Street will be re-opened and display windows constructed so cars parked on the interior will not be visible.

Mr. Forwood stated that a few elements of the proposal do not meet the letter of the guidelines. These include modifying windows to create doors and adding street-facing balconies and fencing in wire mesh. He pointed out that the balcony units on the south elevation are set back 60' or more from 14" Street and are not highly visible from the street. Staff feels that the proposed changes are within the character of the building and district and are acceptable in the context of a rehabilitation that will recapture most of the form and lost detail of the building.

Mr. Bloomfield recused himself from participation.

In reply to Mr. Raser, Mr. Forwood stated that the Over-the-Rhine Chamber, Community Council, and Foundation were notified of the hearing, but that none had responded.

Architects Craig Gossman and Joe Bodkin were present to respond to questions from the Board. Mr. Gossman presented renderings, pointing out that vehicular traffic will enter from 14<sup>n</sup> Street and circulate through the first floor of the building. He said the mesh fencing would be painted. Mr. Bodkin confirmed for Mr. Raser that they plan to have display cases on the front elevation, giving it the appearance of a storefront. He also confirmed for Ms. Borys that they are proposing wood replacement windows.

Mr. Raser thanked the applicant for the drawings showing window details. He explained that the completeness of the drawings and information in the staff report greatly assist the Board in its understanding of the project and in its deliberations.

Ms. Sullebarger pointed out that ordinarily she would not be inclined to approve a conversion of windows to doors on the front elevation or the installation of balconies, but because the elevation is set far back from the street, it is essentially a secondary elevation.

### **BOARD ACTION**

The Board voted (motion by Raser, second by Borys, Bloomfield recused) to approve a Certificate of Appropriateness for the rehabilitation at 214 East 14<sup>th</sup> Street as per plans submitted with the condition that all of the glass in the storefront be clear.

# CERTIFICATE OF APPROPRIATENESS AND ZONING VARIANCE, 837 DAYTON STREET, DAYTON STREET HISTORIC DISTRICT

Urban Conservator William Forwood presented the staff report on this request for a Certificate of Appropriateness for the demolition of an existing garage and the construction of a carriage house at the rear of 837 Dayton Street. The application includes a request for a Certificate of Appropriateness for an addition to the rear elevation of the main residence, a contributing building to the Dayton Street Historic District.

The lot has the remains of a garage/carriage house at the rear of the property facing Naeher Street (which is the width of an alley). The lot is shielded by a 6' high privacy fences along both side property lines. Mr. Forwood circulated photographs of the streetscape along Naeher Street and the alley on the north side of Dayton Street showing them lined with carriage houses of substantial size and scale.

Mr. Forwood stated that the owner proposes to demolish the existing garage, which retains only a portion of its brick walls and replacing it with a larger carriage house that will be used as guest quarters for the main residence. Mr. Forwood said that although the proposed carriage house has a larger footprint than the existing garage, it is in scale with others serving Dayton Street residences. The elevations pick up cues from the main house and carriage houses on neighboring properties. Staff believes that it and the one-story brick sunroom addition (measuring approximately 19' x 12'-6") meet the guidelines.

Mr. Forwood explained that because the proposed carriage house will have cooking facilities, it is considered for zoning purposes to be a separate, not an accessory structure. Since the Zoning Code permits only one residence on a single lot, a variance will be required to allow the second residence. Variances will also be necessary for the rear yard setback and side yards.

Architect Rebecca Bredwell and owner Pastor Gerald Bates were present to respond to questions from the Board. In response to the Board questioning the mix of segmental and round-headed arches on the carriage house, Ms. Bredwell stated that both these elements as well as windows with flat stone lintels are evident on the main house and are mixed on other neighboring buildings.

The Board questioned the south elevation of carriage house having a single entry door set off-center within a wider opening with a lintel. Mr. Bloomfield suggested that the opening be narrowed and centered. Additionally, they questioned the seemingly arbitrary placement of openings on the alley façade, with windows being symmetrical on the second floor and asymmetrical on the first. They suggested the design would benefit simplifying the design and making it more uniform. Ms. Bredwell commented that the windows on the north façade have been changed to make them identical.

Ms. Borys stated that she would be more comfortable granting the zoning variance if she knew the number and use of other carriage houses in the neighborhood. Mr. Forwood responded that staff has no exact count, but that carriage houses in the area are typically residential. Mr. Raser confirmed Pastor Bates's statement that almost 100% of the carriage houses have apartments. Ms. Sullebarger pointed out that the guidelines on Dayton Street are very brief and that the primary concern should be with the pattern of the built environment, not use. She noted that the photographs show there are ample two-story carriage houses on that alley; therefore, she saw no problem approving the zero lot line variance.

Ms. Sullebarger stated that the Board has viewed doublewide garage doors as suburban in character and typically asked applicants to consider single doors instead. Ms. Bredwell agreed that the use of two doors was probably feasible; Pastor Bates liked the suggestion. Mr. Raser commented that the type and style of garage door is important; Ms. Bredwell said that the garage doors have not been selected. He suggested that if two smaller doors were not possible, an appropriate style of garage door could mitigate the effects of a 16' wide door.

### **BOARD ACTION**

The Board voted (motion by Sullebarger, second by Borys) to take the following actions:

- 1. Find that the garage at the rear of 837 Dayton Street is beyond repair and its architectural integrity has been lost.
- 2. Approve a Certificate of Appropriateness for the demolition of the rear garage at 837 Dayton Street.
- 3. Approve a Certificate of Appropriateness for the construction of the carriage house at the rear of 837 Dayton Street.
- 4. Approve a Certificate of Appropriateness for the construction of the addition at the rear of the house at 837 Dayton Street.
- 5. Grant the following variances:
  - A variance to permit two principal uses on one lot as per Section 1401-104(c).
  - A rear yard setback variance as per Section 1419-400(f)(4) for a zero' setback.
  - A variance for the sum of the sides because 3' is required for the sum of the sides as per Section 1469-253(b).
- 6. Finding that such relief from the literal implication of the Zoning Code:
  - a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic, architectural or aesthetic integrity of the district; and
  - c. Will not be materially detrimental to the public health, safety and welfare or injurious to the property in the district or vicinity where the property is located.

### ZONING VARIANCE, 221-229 WEST 5" STREET, WEST 4th STREET HISTORIC DISTRICT

Urban Conservator William Forwood presented the staff report for a request for a Downtown Development Variance (DDV) to continue to use the property at 221-229 West 5<sup>n</sup> Street for surface parking. The applicant requested that the variance be extended and additional three years and that it be automatically renewed each year thereafter as long as the owner continues to keep the site free of debris and properly maintained.

In July 2000, the Historic Conservation Board granted a DDV for the parking lot use for three years with conditions that included a landscape plan, proper maintenance of the property, and a demonstration of efforts to market the property.

Mr. Forwood explained that Terrapark II, L.P. (Terrapark) bought the property to sell or co-develop and that the variance for parking lot use will expire within a few months. The applicant is asking the Board to grant a variance for as much time possible. Mr. Forwood said the City Solicitor's Office has indicated there is no limit to the length of these variances, but the rule of thumb is three years unless a specific termination date is specified. Staff is suggesting that the Board approve a variance for a period of an additional three years. If during that period, there is an agreement for the development of the property and a date established for the vacation of that surface parking use, that date would become the new expiration date. Staff is recommending granting the variance to serve the parking needs of the neighborhood and to help expedite other rehab work in the area. Mr. Forwood confirmed for Mr. Bloomfield that the applicant complied with the landscaping and maintenance requirements imposed with the previous extension.

Andrew Shott, Attorney at Law, representing the owner and Donald Palef of Terrapark were present to respond to questions from the Board. Mr. Shott reiterated that they had come before the Board three years ago when the property was acquired and had fulfilled the conditions then imposed by the Board. They had hoped to sell the property before the expiration of the three-year variance, but that has not happened.

Mr. Shott explained that Terrapark is not in the business of real estate development. They generally find, assemble and package sites and hold them for sale to a future developer. He pointed out that conditions have not been conducive to development in downtown Cincinnati in the last few years, due to events in the City and economic conditions across the country. He stated that although it is a wonderful site (outside the Convention Center), there has not been any interest in the site for a large-scale development. He said the situation is complicated by the availability of the Nordstrom site which the City controls. Mr. Shott said the Nordstrom site is far more attractive to large-scale development and perhaps more attractive to a developer since the City has a vested interest in developing the site.

Mr. Shott remarked that although they appreciate a three-year extension, they were hoping for a three-year extension with an automatic one-year renewal. He stated that Terrapark could more easily market the property if they are able to tell a potential buyer that the surface parking could continue as long as they meet the restrictive covenant conditions.

Mr. Palef described some of the owner's efforts to market the property. In the past three years, they have spoken with Drury Hotels, who passed on the site until more was known regarding the Convention Center expansion. A local broker approached Channel 9 as a possible relocation site. He said that Central Parking, owner of the adjacent parking lot, engaged Jones Lang LaSalle of Chicago two years ago to market their property nationally, so far unsuccessfully.

In reference to staff's suggestion of extending until a development date is brought forward, Mr. Palef commented that a date given to begin development may not be absolute. He said that the previous owner, Marriott Hotels, had a development plan and a start date years ago, but markets changed and the hotel did not materialize. He emphasized that Terrapark's business is selling and that hey have sold 70% of the properties acquired in the last 14 years. Ms. Sullebarger responded that the Board is interested in making development easier, not perpetuating the parking lot.

Ely Ryder, Assistant City Solicitor, was present to assist in providing appropriate language for the motion/agreement.

He said that the 1989 adoption of the Zoning Code for the Downtown Development District made clear that surface parking lot was not a permitted use. The reason was a belief that permitting that use would allow property to be land banked and would allow the owner to recapture significant carrying costs. The restriction was intended to keep pressure on the landowner to make things move. He added that he appreciated the reasons for granting the variance in this instance, but when considering a further extension, the Board should take into account the policy objectives that were a part of the original zoning of this property in 1989.

Mr. Ryder pointed out that in three years, the environment will be different since plans for the Convention Center expansion are actively proceeding and funding is in place. In conversations with the Urban Conservator, he encouraged making sure a

development plan was in place prior to granting an extension for use as a parking lot. He expressed concern that an automatic one-year renewal would allow surface parking indefinitely and would not be consistent with the Zoning Code or the previously granted variance.

Mr. Palef responded that there are two alternatives for the roughly 20,000 sq. ft. site. One is a large development, which will also require the adjacent site. He stated his opinion is a large development will not happen until the Nordstrom site is developed. Because the Nordstrom site is owned by the City, it could give incentives that neither Central Parking nor Terrapark could give to a developer. He suggested that if a cap is put on the extension, it should be tied to the development of the Nordstrom site. He explained that once the Nordstrom site is developed, theirs would be the next large-scale development. The second option is a small development (like a Drury hotel) which the owner would not hesitate to make happen. He speculated that the site will likely be for a hotel or another entertainment/retail-related business after the Convention Center is completed.

Mr. Ryder responded that he appreciated the situation with the Nordstrom development site. He suggested that its physical location may make it more attractive for certain types of development, not the fact it is owned by the City.

In reply to Mr. Raser, Mr. Palef stated that at this point, they are not actively marketing the property. He did not anticipate any interest in the site until there is more certainty with the Convention Center. He stated that they have informed Central Parking of their willingness to work with them if Jones Lang and LaSalle obtains a prospective buyer.

Mr. Raser expressed concern that an automatic one-year renewal would difficult to enforce if the site were not maintained. Mr. Shott replied that the remedy is in the restrictive covenant, since permission to operate the site as a parking lot is conditioned upon fulfilling its terms. He added that the owner is willing keep the Board updated on their plans for the site.

In response to Mr. Ryder's statement that there should be disincentives for operating surface parking, Mr. Shott remarked that the owner will make their money when they sell the property, not by operating a surface parking lot. With real estate taxes, fees and costs of operation increasing, no one is more motivated than his client to find a buyer, but he cannot control market conditions.

Mr. Bloomfield expressed concern that the onus of carrying the property was being transferred to the Board. He explained that the Board meets biweekly and would agree to an extension if needed to assist in a sale to a prospective client. The extension would be done essentially on a proforma basis and would not require Mr. Palef's attendance. Mr. Bloomfield expressed his inclination was to grant a variance for a limited time.

Mr. James Olman of Olman and Company was present to address the Board. He explained that in 1986, City Council passed Ordinance No. 119-1986 which allowed for the demolition of several properties, providing the property was redeveloped within three years. He pointed out that since redevelopment was not forced, there has since been a progressive deterioration of the block between Plum Street and Central Avenue, despite some positive activity recently. He explained that Terrapark purchased the property on speculative nature prior to 9-11 and the 2001 riots in Cincinnati and since that time the market has not been strong for downtown. He

stated that from his perspective as a property owner in the next block and a real estate broker active in the commercial/industrial community, he considered it counterproductive to continue the three-year variance, since it provides no incentive to the owner to develop the property. He stated he would like to see the Board put tighter parameters on an extension that would run year to year. Then, if criteria have not been met in terms of marketing and promotion, the license to operate the parking lot should be revoked.

In response to Mr. Olman, Mr. Palef stated that Terrapark does not operate any parking lots; they are leased to professional operators. He reiterated that Terrapark buys properties with the intent to sell within seven years. They have no debt on the property and if they lost their permit for the parking lot, the property would likely become a vacant eyesore. In reply to Mr. Raser, Mr. Palef stated that he did not have the information on the asking price of the property. He explained that they generally market properties by working with local brokers who approach candidates with a price. He stated that is how they approached Drury, Channel 9 and the adjacent property owner.

Mr. Bloomfield said that it is important to know the history of the extensions. Mr. Forwood stated that the history of the property was included in the previous staff report when the Board granted the last three-year extension. In addition, Mr. Bloomfield suggested the City provide a recommendation regarding development in the 4" Street district. He requested the owner provide information regarding what has been done to market the property, what has failed, the asking price, and marketing plans for the future. He agreed with Mr. Shott that the same information should be asked of owners from adjacent properties. Mr. Bloomfield suggested tabling the item so the Board could gain a better perspective on what is happening and what should happen in the location.

Ms. Sullebarger suggested that the Board consider the detrimental effect on the historic district should it not grant the variance.

### **BOARD ACTION**

The Board voted unanimously (motion by Bloomfield, second by Borys) to table the item to enable the applicant and staff time to provide additional information for the Board regarding marketing the property and the City's development plans for the area.

#### DESIGNATION OVER-THE-RHINE HISTORIC DISTRICT

Ms. Sullebarger moved acceptance of the staff report recommending approval of the consolidation of the present Over-the-Rhine (North) and Over-the-Rhine (South) historic districts.

Mr. Walter Reinhaus, who owns property within the Over-the-Rhine (North) Historic District, was present to address the Board. Mr. Reinhaus stated that he was present to offer testimony as a person who testified at Councilmember Booth's committee meeting regarding the proposal to remove the historic district designations of Over-the-Rhine (North) and (South). He explained that he testified in support of retaining the districts, but welcomed the opportunity to reflect on what is not working. He stated he was also a primary author of guideline revisions that were adopted for Over-the-Rhine (North), which are now proposed to be extended to Over-the-Rhine (South).

Mr. Reinhaus stated that he had a number of concerns with the proposed consolidation of the Over-the-Rhine (North) and Over-the-Rhine (South) Historic Districts. He explained that changes to the designation report were not clear since they were not presented in an existing versus proposed manner. He said that presenting the designation report as an update resulted in the omission of important information. In addition, he felt adequate public notice had not been given. Mr. Reinhaus also questioned why he (as a person having given testimony) and the Urban Conservator were not invited to the discussion leading to consideration of consolidation.

Mr. Reinhas related the following additional concerns:

- 1. The fencing guidelines are not sufficiently clear.
- 2. Adaptive reuse comments are not sufficient to address situations faced by industrial building owners.
- 3. The contributing/noncontributing discussion suffers from the omissions in the designation report.

Mr. Reinahus stated he has additional comments regarding the language, but will submit them in a written response. He added that the Community Council passed two motions on the previous Monday concerning the consolidation of the districts. One involved the acceptance of wooden fences along front elevations. The other expressed concern for the lack of notification and opportunity for comment prior to the decision to consolidate the districts.

In response to Mr. Raser, Mr. Forwood stated that property owners were not notified individually at their mailing addresses, but by publication in the <u>City Bulletin</u>. The Over-the-Rhine Foundation, Community Council, and Chamber and those who were members or designated alternates of the Steering Committee for the Over-the-Rhine Comprehensive Plan (approximately 50 individuals, with Mr. Reinhaus included) were individually notified by letter. Mr. Forwood said that he received one phone call from a member of the Steering Committee who wanted clarification of what was happening, but expressed no opinion. The only other response from the notification was a phone call from Mr. Reinhaus regarding specific items within the designation report. Mr. Forwood indicated Mr. Reinhaus had outlined most of these for the Board, and he could continue his discussion with Mr. Reinhaus before the item goes to the City Planning Commission. He added that he had not yet received any communication from the Community Council regarding their last meeting.

Ms. Sullebarger pointed out that the consolidation of the districts represents a unique case. Since there are two existing historic districts that were designated and since the proposal is to re-designate them as a single district, no properties are being added or deleted from the combined district. The re-designation should not make a substantial difference to the owners in the district. Ms. Sullebarger replied that Councilmember Booth felt that both districts should have the same guidelines and since the Over-the-Rhine (North) Guidelines are more flexible, they should be applied to Over-the-Rhine (South). Consolidation would essentially simplify things. She emphasized that City Council's vote on the Over-the-Rhine (North) designation and guidelines was unanimous. Ms. Borys agreed and added that the guidelines were written recently, following the process outlined in the local historic legislation.

### **BOARD ACTION**

The Board voted unanimously (motion by Sullebarger, second by Bloomfield) to recommend to the City Planning Commission and City Council that the Over-the-Rhine (South) Historic District and Over-the-Rhine (North) Historic District be consolidated (with their present perimeter boundaries) into a single historic district, named the Over-the-Rhine Historic District with the same conservation guidelines adopted for the Over-the-Rhine (North) Historic District.

<u>ADJOURNMENT</u>	
As there were no other items for	or consideration by the Board, the meeting adjourned.
William L. Forwood	John C. Senhauser
Urban Conservator	Chairman
	 Date